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Representing the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES ELLIS,

Defendant.

Case No.: 2:18-cr-00255-JAD-GWF

**GOVERNMENT'S
DISCLOSURE STATEMENT**

Pursuant to LCR 16-1(b)(2) of the Local Rules of Practice for the District of Nevada, PATRICK BURNS, Assistant United States Attorney, contacted DONALD GREEN, ESQ., counsel for defendant CHARLES ELLIS, to discuss scheduling of discovery in the instant case. **The Government has provided this Government Disclosure Statement to defense counsel and is moving forward with providing discovery in this matter.** The Government agrees to provide discovery in this case as follows:

Discovery Schedule

A. The Government has provided or will provide or permit the defendant to inspect and copy or photograph:

1 1) All statements, documents, and objects, including audio or video
2 recordings, required to be disclosed under Rules 16(a)(1)(A)-(F),
3 Federal Rules of Criminal Procedure.

4 2) All search warrants and supporting affidavits, which relate to
5 evidence that may be offered at trial.

6 3) The Government will provide expert disclosures as required
7 under Rule 16(a)(1)(G), Federal Rules of Criminal Procedure.

8 B. The Government will provide as soon as reasonably possible any exculpatory
9 information of which it is aware. The Government will provide any
10 subsequently discovered exculpatory information reasonably promptly upon
11 its discovery. The Government will provide impeachment information relating
12 to government witnesses who will testify at a pre-trial hearing, trial or
13 sentencing sufficiently in advance of the hearing, trial or sentencing to allow
14 the hearing, trial or sentencing to proceed efficiently.

15 C. The Government hereby makes any and all demands for reciprocal disclosures
16 from the defendant under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3
17 and 16, including but not limited to the following, to be provided prior to trial:

18 1) All documents, objects, and reports of examination required
19 under Rules 16(b)(1)(A) and (B), Federal Rules of Criminal
20 Procedure.

21 2) All expert disclosures as required under Rule 16(b)(1)(C),
22 Federal Rules of Criminal Procedure.

3) All notices of any defenses under Rule 12.1, Federal Rules of Criminal Procedure.

4) Any summaries, charts, or calculations, which the defense intends to offer at trial.

D. The Government will no later than 5 days before trial or at such subsequent time as the Government learns any of the following information:

1) Disclose any summaries, charts, or calculations, which the Government intends to offer at trial.

2) Identify recordings, transcripts of recordings, or portions thereof, which the Government intends to offer at trial.

3) Disclose any reports or memoranda of interviews of witnesses the government intends to call in its case in chief.

4) Disclose any statements of witnesses under Title 18, United States Code, Section 3500.

E. If the Government withholds the disclosure of items subject to discovery under Federal Rule of Criminal Procedure 16 or case law or statute, it will either: 1) provide notice to the defense of its intent to withhold disclosure and describe the nature of the item and the basis for withholding disclosure; or 2) submit in camera a motion to the court for a protective order describing the nature of the item, the basis for withholding disclosure and the need for in camera review and any sealing of the record. The Government requests that, if the

1 defendant withholds the disclosure of any such item(s), it provide such notice
2 to the Government.

3 The disclosures and reciprocal disclosures set forth above apply to those
4 objects, documents, items, and other disclosure matters that are in the possession,
5 custody, or control of the parties at the time the obligation to disclose arises. The
6 Government recognizes that it has a continuing duty to provide disclosures up to and
7 through trial as to any matters required to be disclosed by statute, rule, or the United
8 States Constitution. Nothing in this statement is intended to create any rights for
9 the defendant or in any way restrict or expand the remedies available to the Court
10 for any breach of any disclosure obligations.

11 The Government holds itself available to make good faith efforts to confer with
12 defense counsel to resolve informally any dispute over the scope, manner and method
13 of disclosures before seeking relief from the Court.

14 DATED: September 11, 2018

15 DAYLE ELIESON
United States Attorney

16
17 //s// Patrick Burns

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PATRICK BURNS
Assistant United States Attorney
19 District of Nevada
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Certificate of Service

I, Patrick Burns, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: Government's Disclosure Statement, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing that document.

Dated: September 11, 2018

//s// Patrick Burns

PATRICK BURNS
Assistant United States Attorney
District of Nevada